

## **REMARKS**

With entry of the amendment, claims 1-13, 18-19, 24 and 25 are pending in this application. Previously withdrawn claims 14-17 and 20-23 have been canceled without prejudice to filing a divisional application thereon.

In the non-final Office Action of July 20, 2007, claims 1-13, 18-19, 24 and 25 were rejected on various grounds as indicated below. In view of the amendments and remarks below, Applicants request reconsideration on the merits, withdrawal of the rejections, and allowance of the claims.

### **Rejection under 35 U.S.C. §102(a)**

Claims 1-2, 5, and 18-19 were rejected under 35 U.S.C. §102(a) as being anticipated by Savage et al. (Zhou et al., Synthesis and NKT cell stimulating properties of Fluorophore-and Biotin-Appended 6'-Amino-6"-deoxy-galactosylceramides, *Organic Letters*, 2002, 4(8):1267-1270) ("the Savage reference").

The Savage reference was published less than one year prior to the filing date of the present application. Therefore, the reference is properly applied under § 102(a) only if the description is not of work of the inventors. *In re Katz*, 687 F.2d 450, 454 (CCPA 1982).

The enclosed Declaration of Paul Savage, Ph.D. under 37 C.F.R. § 1.132 establishes that Dr. Savage, Luc Teyton and Albert Bendelac, co-authors listed on the Savage reference, invented the presently claimed subject matter. Dr. Savage further attests that the remaining four co-authors listed on the reference, Xiao-Ti Zhou, Claire Forestier, Randall D. Goff, and Chunhong Li, did not make an inventive contribution to any of claims 1-13, 18-19 or 24-25. Therefore, the Savage reference is not "by another," as required by §102(a). *See id.*

In view of the foregoing, Applicants request that the rejection be withdrawn.

### **Rejection under 35 U.S.C. §103**

Claims 1-13, 18-19, and 24-25 are rejected under 35 U.S.C. §103(a) as being obvious over Savage et al. (Zhou et al., Synthesis and NKT cell stimulating properties of Fluorophore-and Biotin-Appended 6'-Amino-6"-deoxy-galactosylceramides, *Organic Letters*, 2002, 4(8):1267-1270) in view of Kawano et al. (Science, 1997, 278, 1626-29).

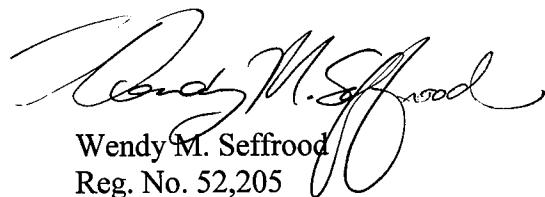
As established by the Savage Declaration submitted herewith and discussed above, the Savage reference is not properly applied against the present claims.

Moreover, it would not have been obvious to one skilled in the art to derive compounds of formula I, or predict their ability to activate NKT cells, based on the compounds described in Kawano et al. Specifically, there is no motivation, either in the reference, or in the art generally, to alter substituents of the GalCer molecule to arrive at the claimed compounds by making the requisite substitution at the 6" position (i.e., by substituting an amino group for a hydroxyl group). Accordingly, Applicants request that the rejection be withdrawn.

### **CONCLUSION**

In view of the remarks presented herein, it is believed that this application is now in condition for allowance. No fee is believed due in connection with this submission. However, if a fee is owing, please charge Deposit Account No. 50-0842.

Respectfully Submitted,



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